

# Exhibit 3

# Masimo Files Complaint Seeking Injunction Requiring Politan to Correct Material Misstatements

IRVINE, Calif.--([BUSINESS WIRE](#))--Masimo Corporation (“Masimo” or the “Company”) (Nasdaq: MASI), a global leader in noninvasive monitoring technologies and audio products, today announced that it has commenced litigation against Politan Capital Management LP (“Politan”) in federal court in California seeking to require Politan to correct material misstatements and omissions in Politan’s proxy materials. The complaint alleges, among other things, that Quentin Koffey has assisted plaintiff’s counsel in litigation against Masimo. Masimo has also set a new date for its 2024 Annual Meeting of Stockholders (the “Annual Meeting”) and a new record date to ensure that the vote of the Company’s stockholders is fair and fully informed.

The Annual Meeting is now scheduled for September 19, 2024, at 2:00 p.m., Pacific Daylight Time. Masimo’s Board of Directors decided to postpone the Annual Meeting to accommodate a request by Politan to set a new record date for the Annual Meeting. In light of the new record date, Masimo postponed the Annual Meeting to ensure that Masimo’s stockholders have sufficient time to review revised proxy materials, make an informed voting decision based on these revised materials and vote their shares based on full and accurate information. Masimo will also conduct a new broker search as required by rules of the Securities Exchange Commission. Accordingly, the new record date is August 12, 2024.

Masimo will file a revised proxy statement for the Annual Meeting with the Securities and Exchange Commission to reflect, among other things, the rescheduled meeting date for the Annual Meeting and the new record date for the Annual Meeting and information relating to the shares outstanding as of the record date. Masimo will mail a new notice of the Annual Meeting and proxy card to all stockholders entitled to vote as of the new record date for the Annual Meeting. Any votes previously submitted by Masimo stockholders in connection with the Annual Meeting will not be counted and previous proxies submitted will be disregarded, and therefore, all stockholders will need to resubmit their votes, even if they have previously voted.

Find more information on why your vote is so important at [www.ProtectMasimosFuture.com](http://www.ProtectMasimosFuture.com).

## About Masimo

Masimo (NASDAQ: MASI) is a global medical technology company that develops and produces a wide array of industry-leading monitoring technologies, including innovative measurements, sensors, patient monitors, and automation and connectivity solutions. In addition, Masimo Consumer Audio is home to eight legendary audio brands, including Bowers & Wilkins, Denon, Marantz, and Polk Audio. Our mission is to improve life, improve patient outcomes, and reduce the cost of care. Masimo SET<sup>®</sup> Measure-through Motion and Low Perfusion<sup>™</sup> pulse oximetry, introduced in 1995, has been shown in over 100 independent and objective studies to outperform other pulse oximetry technologies.<sup>1</sup> Masimo SET<sup>®</sup> has also been shown to help clinicians reduce severe retinopathy of prematurity in neonates,<sup>2</sup> improve CCHD screening in newborns<sup>3</sup> and, when used for continuous monitoring with Masimo Patient SafetyNet<sup>™</sup> in post-surgical wards, reduce rapid response team activations, ICU transfers, and costs.<sup>4-7</sup> Masimo SET<sup>®</sup> is estimated to be used on more than 200 million patients in leading hospitals and other healthcare settings around the world,<sup>8</sup> and is the primary pulse oximetry at 9 of the top 10 hospitals as ranked in the 2022-23 *U.S. News and World Report* Best Hospitals Honor Roll.<sup>9</sup> In 2005, Masimo introduced rainbow<sup>®</sup> Pulse

CO-Oximetry technology, allowing noninvasive and continuous monitoring of blood constituents that previously could only be measured invasively, including total hemoglobin (SpHb<sup>®</sup>), oxygen content (SpOC<sup>™</sup>), carboxyhemoglobin (SpCO<sup>®</sup>), methemoglobin (SpMet<sup>®</sup>), Pleth Variability Index (PVi<sup>®</sup>), RPVi<sup>™</sup> (rainbow<sup>®</sup> PVi), and Oxygen Reserve Index (ORi<sup>™</sup>). In 2013, Masimo introduced the Root<sup>®</sup> Patient Monitoring and Connectivity Platform, built from the ground up to be as flexible and expandable as possible to facilitate the addition of other Masimo and third-party monitoring technologies; key Masimo additions include Next Generation SedLine<sup>®</sup> Brain Function Monitoring, O3<sup>®</sup> Regional Oximetry, and ISA<sup>™</sup> Capnography with NomoLine<sup>®</sup> sampling lines. Masimo's family of continuous and spot-check monitoring Pulse CO-Oximeters<sup>®</sup> includes devices designed for use in a variety of clinical and non-clinical scenarios, including tetherless, wearable technology, such as Radius-7<sup>®</sup>, Radius PPG<sup>®</sup>, and Radius VSM<sup>™</sup>, portable devices like Rad-67<sup>®</sup>, fingertip pulse oximeters like MightySat<sup>®</sup> Rx, and devices available for use both in the hospital and at home, such as Rad-97<sup>®</sup> and the Masimo W1<sup>®</sup> medical watch. Masimo hospital and home automation and connectivity solutions are centered around the Masimo Hospital Automation<sup>™</sup> platform, and include Iris<sup>®</sup> Gateway, iSirona<sup>™</sup>, Patient SafetyNet, Replica<sup>®</sup>, Halo ION<sup>®</sup>, UniView<sup>®</sup>, UniView:60<sup>™</sup>, and Masimo SafetyNet<sup>®</sup>. Its growing portfolio of health and wellness solutions includes Radius T0<sup>®</sup>, Masimo W1 Sport, and Masimo Stork<sup>™</sup>. Additional information about Masimo and its products may be found at [www.masimo.com](http://www.masimo.com). Published clinical studies on Masimo products can be found at [www.masimo.com/evidence/featured-studies/feature/](http://www.masimo.com/evidence/featured-studies/feature/).

RPVi has not received FDA 510(k) clearance and is not available for sale in the United States. The use of the trademark Patient SafetyNet is under license from University HealthSystem Consortium.

## References

1. Published clinical studies on pulse oximetry and the benefits of Masimo SET<sup>®</sup> can be found on our website at <http://www.masimo.com>. Comparative studies include independent and objective studies which are comprised of abstracts presented at scientific meetings and peer-reviewed journal articles.
2. Castillo A et al. Prevention of Retinopathy of Prematurity in Preterm Infants through Changes in Clinical Practice and SpO<sub>2</sub> Technology. *Acta Paediatr.* 2011 Feb;100(2):188-92.
3. de-Wahl Granelli A et al. Impact of pulse oximetry screening on the detection of duct dependent congenital heart disease: a Swedish prospective screening study in 39,821 newborns. *BMJ.* 2009;Jan 8;338.
4. Taenzer A et al. Impact of pulse oximetry surveillance on rescue events and intensive care unit transfers: a before-and-after concurrence study. *Anesthesiology.* 2010;112(2):282-287.
5. Taenzer A et al. Postoperative Monitoring – The Dartmouth Experience. *Anesthesia Patient Safety Foundation Newsletter.* Spring-Summer 2012.
6. McGrath S et al. Surveillance Monitoring Management for General Care Units: Strategy, Design, and Implementation. *The Joint Commission Journal on Quality and Patient Safety.* 2016 Jul;42(7):293-302.
7. McGrath S et al. Inpatient Respiratory Arrest Associated With Sedative and Analgesic Medications: Impact of Continuous Monitoring on Patient Mortality and Severe Morbidity. *J Patient Saf.* 2020 14 Mar. DOI: 10.1097/PTS.0000000000000696.
8. Estimate: Masimo data on file.
9. <http://health.usnews.com/health-care/best-hospitals/articles/best-hospitals-honor-roll-and-overview>.

## Forward-Looking Statements

This press release includes forward-looking statements as defined in Section 27A of the Securities

Act of 1933, as amended, and Section 21E of the Securities Exchange Act of 1934, as amended, in connection with the Private Securities Litigation Reform Act of 1995. These forward-looking statements include, among others, statements regarding the Annual Meeting and Masimo's litigation against Politan and its affiliates (the "Litigation"). These forward-looking statements are based on current expectations about future events affecting Masimo and are subject to risks and uncertainties, all of which are difficult to predict and many of which are beyond Masimo's control and could cause its actual results to differ materially and adversely from those expressed in its forward-looking statements as a result of various risk factors, including, but not limited to (i) uncertainties regarding the Litigation, (ii) uncertainties regarding future actions that may be taken by Politan in furtherance of its nomination of director candidates for election at the Annual Meeting, (iii) the potential cost and management distraction attendant to Politan's nomination of director nominees at the Annual Meeting or to the Litigation and (iv) factors discussed in the "Risk Factors" section of Masimo's most recent periodic reports filed with the Securities and Exchange Commission ("SEC"), which may be obtained for free at the SEC's website at [www.sec.gov](http://www.sec.gov). Although Masimo believes that the expectations reflected in its forward-looking statements are reasonable, the Company does not know whether its expectations will prove correct. All forward-looking statements included in this press release are expressly qualified in their entirety by the foregoing cautionary statements. You are cautioned not to place undue reliance on these forward-looking statements, which speak only as of today's date. Masimo does not undertake any obligation to update, amend or clarify these statements or the "Risk Factors" contained in the Company's most recent reports filed with the SEC, whether as a result of new information, future events or otherwise, except as may be required under the applicable securities laws.

### **Additional Information Regarding the 2024 Annual Meeting of Stockholders and Where to Find It**

On June 21, 2024, the Company filed a definitive proxy statement containing a form of GOLD proxy card with the SEC in connection with its solicitation of proxies for the Annual Meeting (the "Original 2024 Proxy Statement"), and anticipates that it will prepare and file a revised version of the Original 2024 Proxy Statement (the "Revised Proxy Statement") and mail the Revised Proxy Statement to its stockholders of record as of the new August 12, 2024 record date for the Annual Meeting. Any votes previously submitted by Masimo stockholders in connection with the Annual Meeting will not be counted and previous proxies submitted will be disregarded, and therefore, all stockholders will need to resubmit their votes after the Revised Proxy Statement has been filed and mailed to stockholders as of the new record date, even if they have previously voted. THE COMPANY'S STOCKHOLDERS ARE STRONGLY ENCOURAGED TO READ THE REVISED PROXY STATEMENT (AND ANY AMENDMENTS AND SUPPLEMENTS THERETO) AND ACCOMPANYING GOLD PROXY CARD AS THEY WILL CONTAIN IMPORTANT INFORMATION. Stockholders may obtain the Original 2024 Proxy Statement, the Revised Proxy Statement and any amendments or supplements thereto and other documents as and when filed by the Company with the SEC without charge from the SEC's website at [www.sec.gov](http://www.sec.gov).

### **Certain Information Regarding Participants**

The Company, its directors and certain of its executive officers and employees may be deemed to be participants in connection with the solicitation of proxies from the Company's stockholders in connection with the matters to be considered at the Annual Meeting. Information regarding the direct and indirect interests, by security holdings or otherwise, of the Company's directors and executive officers in the Company is included in the Original 2024 Proxy Statement, which can be found through the SEC's website at <https://www.sec.gov/ix?doc=/Archives/edgar/data/0000937556/000121390024053125/ea0206756-05.htm>. Changes to the direct or indirect interests of Masimo's securities by directors and executive officers are set forth in SEC filings on a Statement of Change in Ownership on Form 4 filed with the SEC on June 28, 2024, which can be

found through the SEC's website at [https://www.sec.gov/Archives/edgar/data/937556/000093755624000053/xslF345X05/wk-form4\\_1719606794.xml](https://www.sec.gov/Archives/edgar/data/937556/000093755624000053/xslF345X05/wk-form4_1719606794.xml). Any other changes to the Original 2024 Proxy Statement may be found in any amendments or supplements to the Original 2024 Proxy Statement, including the expected Revised Proxy Statement, and other documents as and when filed by the Company with the SEC, which can be found through the SEC's website at [www.sec.gov](http://www.sec.gov).